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MAY 01 2009****In the United States Patent and Trademark Office**

Serial No. 10/510,384	§	Filing Date: 10/05/2004
	§	
Title: REAMER SPINDLE FOR	§	
MINIMALLY INVASIVE JOINT	§	
SURGERY	§	Examiner: ARAJ, Michael J.
	§	
Applicant: LECHOT, Andre	§	GA No.: PUS-P001-031
	§	
Atty docket no: PUS-P001-031	§	

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8.** I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, as 6 pages, total,

On 1 May 2009

Typed or printed name of person signing this certificate: Jasmin Hing

Signature of person signing this certificate: [Signature]

**PETITION TO ACCEPT AN UNINTENTIONALLY  
DELAYED CLAIM UNDER 35 U.S.C. 119(e) AND REQUEST  
FOR WAIVER OF PETITION FEE AS COMPLYING  
WITH PATENT OFFICE POLICY**

**Via efs Webfile or facsimile to 001-571-273-8300, to:**

Commissioner for Patents  
MS PETITIONS  
P. O. Box 1450  
Alexandria, Virginia 22313-1450  
U.S.A.

Dear Sir:

37 CFR 1.78(a)(6) states that if the reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section is presented in a nonprovisional application after the time period provided by paragraph (a)(5)(ii) of this section, the claim under 35 U.S.C. 119(e) for the benefit of a prior filed provisional application may be accepted during the pendency of the later-filed application if the reference identifying the prior-filed application by provisional application number was unintentionally delayed. A petition to

accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application must be accompanied by:

(i) The reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section to the prior-filed provisional application, unless previously submitted;

(ii) The surcharge set forth in § 1.17(l); and

(iii) A statement that the entire delay between the date the claim was due under paragraph (a)(5)(ii) of this section and the date the claim was filed was unintentional.

If the "specific reference" under §119(e) must be an appropriate claim in an Application Data Sheet or the amendment of the specification, adding a sentence making the claim immediately below the title, then the above required elements of a grantable petition are provided by the following:

- The attached amendment inserts the below sentence immediately under the title on the first page of the application as filed:

This application is a US National Stage of PCT/IB03/01725, of the same title, filed 04/28/2003, which claims the benefit under 35 U.S.C. §119(e) of U.S. Provisional Application Ser. No. 60/376,479, of the same title, filed 04/30/2002, and of US Ser. No. 60/384,186, of the same title, filed 05/30/2002, and of US Ser. No. 60/459,594, of the same title, filed 04/02/2003.

- The Undersigned authorizes the Office to charge any required fee for this petition as set forth in § 1.17(l), or any other fee due for this petition, to the deposit account of Moetteli & Associates SaRL, No. 502621.

- The Undersigned states that the entire delay between the date the claim was due under paragraph (a)(5)(ii) of this section and the date the claim was filed was unintentional.

However, Applicant requests a waiver of the petition fee on the grounds that it is Patent Office practice (See Part IV of OG Notice dated 18 March 2003 entitled

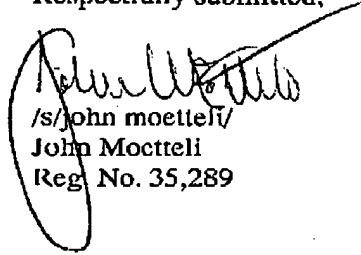
"Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. 119(e), 120, 121, and 365(c)" by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy) under such circumstances, to not charge the fee because accurate priority data was indeed captured by the Office in the filing receipt. The claim appearing on the filing receipt in the above-identified case is reproduced below:

This application is a 371 of PCT/IB03/01725 04/28/2003  
Which claims benefit of 60/376,479 04/30/2002  
And claims benefit of 60/384,186 05/30/2002  
And claims benefit of 60/459,594, 04/02/2003

It is believed therefore that no fee under §1.17(t) is due, and that the Office can forward the attached amendment on to the Examiner for entry.

Notice of action on this petition is respectfully requested

Respectfully submitted,

  
/s/ John Moctelli/  
John Moctelli  
Reg. No. 35,289

Date: May 1, 2009

Enclosure: Amendment